

TESTIMONY OF JAMES SIMMONS
SHOOTERS ALLIANCE FOR FIREARMS RIGHTS
HOUSE BILL 4964

HB 4694, as introduced by Reps. Drolet, Taub, Gosselin, Shaffer, Baxter, Palmer and Acciavatti, would allow state or local government employees who have a CPL, and who perform inspections on private property as part of their job, to carry a concealed pistol onto that private property. (Governmental employers may prohibit this if they can show that insurance premiums will increase or coverage will be reduced.)

The Shooters Alliance for Firearms Rights respectfully opposes the enactment of this legislation. We support the rights of all citizens to lawfully possess firearms, but the right to possess guns has a necessary opposite side: the right not to have anything to do with guns. And this is a very insidious intrusion on that right. Right now, private property owners, both homeowners and business owners, can deny anyone, including the police, the right to enter their property while armed. Police officers can only enter such property armed against the property owner's will if they have a search warrant, an arrest warrant or other probable cause combined with exigent circumstances.

But governmental inspectors come onto private property often without any notice, without probable cause, and without any ability by the property owner to keep them out. If a township inspector wants to look at my toolshed to determine whether it meets zoning requirements, he comes onto my property. Likewise, the building inspector who I am required by law to allow to inspect my new deck construction may, if this bill is passed, come armed onto, or into my home, without any consent on my part. The same is also true for the fire inspector who checks my office's fire suppression system and extinguishers every year or so.

A private property owner needs to be able to deny the State and its agents the right to intrude, armed, onto private property, absent a search warrant or probable cause with exigent circumstances.

The bill as written would also create a conflict with section 50 of the concealed pistol law, which prohibits concealed carry in certain places. Already, there is a class of citizens that are allowed to carry a concealed pistol in these places -- specifically, private detectives, police officers and retired police officers. This bill does not make clear whether inspectors may carry in these prohibited places, and thus creates an ambiguity in the law. If inspectors are allowed to carry in what are otherwise prohibited places, then that creates yet another class of citizen, with rights and authority to carry firearms in places that other law-abiding citizens cannot. SAFR opposes this unequal treatment of law-abiding citizens.

SAFR would support this bill if it were amended both to allow private property owners the right to prohibit such inspectors from coming armed onto their private property, and to clarify that government inspectors are subject to the same prohibited places regulation that govern other law-abiding concealed pistol license holders.